

ESTTA Tracking number: **ESTTA504842**

Filing date: **11/11/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206463
Party	Defendant RICH C. YOUNG
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Submission	Opposition/Response to Motion
Filer's Name	/Rich/C/Young/
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Signature	/Rich/C/Young/
Date	11/11/2012
Attachments	TRADE_RESPO TO OPPO FINAL- BHPC ASSN LLC-IRI SH POLO C2012-11-10.pdf (6 pages)(331138 bytes)

**IN THE UNITED STATES PATENT AND TRADE MARK OFFICE
BEFORE THE TRADE MARK TRIAL AND APPEAL BOARD**

BHPC ASSOCIATES LLC	}	
v/s	}	
	}	
Rich C. Young	}	Opposition No. :
	}	
Applicant	}	

RESPONSE TO NOTICE OF OPPOSITION

Rich C. Young (“Applicant”), residing and/or doing business at 333 West Garvey Ave, Suite 213B, Monterey Park, California 91754. Applicant believes that the trade mark “IRISH POLO CLUB USA” and Polo player design, serial No. 85477199, International class 25, filed date November 19, 2011 will not cause any damage to the Opposer of BHPC ASSOCIATES LLC with the mark “BEVERLY HILLS POLO CLUB”.

Rich C. Young (“Applicant”) to responses to the Notice of Opposition as following:

1. Rich C. Young (“Applicant”) have been filed Application Serial No.85477199, Dated November 19, 2011. (the “Application”) with the United States and Trade Mark Office (“U.S.P.T.O.”) Pursuant TO Section 1(b) of the Lanham Act. 15 U.S.C. & 1051(b). to register the

mark “IRISH POLO CLUB USA” and design mark for use on or in connection with the International class 25 with the goods are Shirts. Opposer has offered and continues to offer a variety of goods, including bearing the mark “Beverly Hills Polo Club” in design including the image of a polo player on horseback swing his mallet (the “BEVERLY HILLS POLO CLUB and Polo Player Design mark”).

2. Applicant agrees that over a prolonged period of time, Opposer has invested a substantial amount of time, effort and money promoting its “BEVERLY HILLS POLO CLUB” and Polo Player Design mark and the goods bearing that mark. As a result of its promotion efforts, a tremendous volume and sales, and extensive use of the “BEVERLY HILLS POLO CLUB” and Polo Player Design Mark. Opposer’s “BEVERLY HILLS POLO CLUB” and Polo Player Design Mark has attained widespread acclaim in the United States, and has Come to be exclusively recognized as identifying the products of Opposer. Since long before any use of or alleged rights of Applicant in the mark hereby opposed. Opposer’s “BEVERLY HILLS POLO CLUB” and Polo Player Design mark has become distinctive of Opposer’s Goods and represent a tremendous amount of goodwill of Opposer’s business.

3. Applicant agrees that Opposer own the incontestable United States trademarks registration of the “BEVERLY HILLS POLO CLUB” and the Polo Player Design mark for use in the aggregate in

connection with Opposer's goods.

4. Applicant agrees that Opposer's registration are valid, subsisting, in full force and effect, incontestable, and are evidence of Opposer's exclusive right to use its registered mark on the identified Goods, pursuant of 15 U.S.C. §§ 1057 and 1115 Current printout from the electronic database records of the United States Patent and Trademark Office of the aforementioned incontestable registration are attached hereto as Exhibit A (Please see the Opposer's attachment).
5. Applicant believes that Rich C. Young ("Applicant") filed with the United States Patent and Trademark Office an Intention to use Application to register the "IRISH POLO CLUB USA" and Polo Player Design Mark, Serial No. 85477199, in International Class 25 for shirts Dated November 19, 2011.
6. Applicant's Mark "IRISH POLO CLUB USA" is not connected to Opposer in any way and Applicant's Mark "IRISH POLO CLUB USA" Is a independent Mark.

COUNT I: Priority and Likelihood of Confusion

7. Opposer repeats an re-alleges each and every allegation

contained to paragraph 1 through 6 as if fully set forth herein.

8. Applicant agrees that Opposer's Mark have been filed prior to Any date of Applicant's Mark.

9. Opposer's Mark "Beverly hills Polo Club" and Polo player Design Mark is not same as or not similar to the "IRISH POLO CLUB USA" and Polo Player Design Mark in International Class 25 as reflected in serial No. 85477199 in appearance, sound , meaning and commercial impression both marks including not confusingly or not similar to the Polo Player image and words "POLO CLUB". The words "Polo Club" is a common name, no any can have the exclusive rights to Keep or reserve the Words "POLO CLUB" for they own use in the trademark law.

10. Applicant's Mark "Irish Polo Club USA" comparing with Opposer's Mark "BEVERLY HILLS POLO CLUB" in the meaning and Wording, are a Big different in sound, image. Applicant's Mark can't cause any confusing and mistaken believes and it is not from the same source in any circumstance.

11. Applicant's Mark "Irish Polo Club USA" and Polo Player Design Serial No. 85477199, International Class 25 is not likely to cause confusion or mistaken or not to deceive and not mislead the trade and the purchasing public into believing that Applicant's goods are not the goods of Opposer. Applicant's Mark is a independent Mark don't belong to any other company, and it is not authorized and licensed or controlled by the Opposer's company. Or that Applicant's Mark is not affiliated with or in some way related to Opposer's Mark. Accordingly,

any such use or and the issuance of the registration of Applicant's Mark "Irish Polo Club USA" and Polo Player Design Mark, In International Class 25 with Serial No. 85477199 would not and Does't violate Section 2(d) of the Lanham Act. 15 U.S.C. & 1052(d).

12. By reason of the foregoing, Opposer's Mark "Irish Polo Club USA" will not damaged by the registration of the Applicant's Mark "Irish Polo Club USA" and Polo Player Design in International Class 25 with Serial No. 85477199.

WHEREFORE, Applicant pray that the Board approve for registration.

Dated: November 10, 2012

By: _____
Rich C. Young, Owner
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing RESPONSE TO NOTICE OF OPPOSITION was served on November 10, 2012 by first class mail, postage prepaid, in an envelope addressed to Opposer as following:

Dated: 11/10/2012

EPSTEIN DRANGEL LLP
60 East 42nd Street, Suite 2410
New York, NY 10165

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